
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Michael A. Hammer
:
v. : Mag. No. 19-40001
:
RINO DIAMANTE : **CRIMINAL COMPLAINT**


I, Matthew A. Barile, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

SEE ATTACHMENT A

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.



Matthew A. Barile, Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,
December 23, 2019 at Newark, New Jersey

HONORABLE MICHAEL A. HAMMER
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

COUNT ONE
(Cyberstalking)

From in or around January 2016, until up to and including, in or around August 2019, in Bergen County, in the District of New Jersey, and elsewhere, defendant,

RINO DIAMANTE,

with the intent to injure, harass, and intimidate another person, used the mail, interactive computer services and electronic communication services and electronic communication systems of interstate commerce, and other facilities of interstate and foreign commerce, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to a person, namely Victim-1 and Victim-2, to wit, DIAMANTE posted harassing communications and images on online web forums about Victim-1 and Victim-2, sent harassing communications to Victim-1 and Victim-2, and sent harassing communications about Victim-2 to an acquaintance of Victim-2.

In violation of Title 18, United States Code, Section 2261A(2) (B).

ATTACHMENT B

I, Matthew A. Barile, am a Special Agent with the Federal Bureau of Investigation, employed since July 2019. I am fully familiar with the facts set forth herein based on my own investigation, my conversations with witnesses and other law enforcement officers, and my review of reports, documents, and items of evidence. Where statements of others are related herein, they are related in substance and in part. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

BACKGROUND

1. Beginning in or around November 2017, the Federal Bureau of Investigation ("FBI") began investigating a series of incidents involving online computer harassment, also known as cyberstalking.

2. The investigation has revealed that at least 19 different women ("Victims") have been targeted by an individual identified by law enforcement as DIAMANTE, who has engaged in online harassment through various means. In the majority of cases, DIAMANTE obtained pictures of the Victims through the Victims' social media accounts. DIAMANTE then anonymously posted these pictures onto various websites, including www.4chan.com ("4Chan") and www.volafire.org ("Vola File"). DIAMANTE also posted the Victims' pictures on these websites alongside nude or semi-nude photographs of women whom DIAMANTE asserts or implies are of the respective Victim. On several occasions, DIAMANTE has included the Victims' actual names and social media contact information. DIAMANTE then commented on the postings and encouraged others to submit degrading comments towards the respective Victim.

3. In addition to the activity described above, DIAMANTE has utilized Facebook to create Facebook accounts in the names of either these Victims, their acquaintances, or other strangers (the "Unauthorized Facebook Accounts"). The Unauthorized Facebook Accounts were either unauthorized or impersonation accounts, i.e., they were intended to mask the identity of the true user. DIAMANTE then used these Unauthorized Facebook Accounts to contact the Victims, their friends, and their family members to: (i) direct individuals to websites that purported to contain nude photos of the Victims; or (ii) distribute semi-nude or nude pictures of the Victims directly via Facebook Messenger.

Specific Activity with Respect to Victim-1

4. Based on my participation in this investigation, including reviewing documents and communications between law enforcement and Victim-1, I learned, among other things, the following:

- a. In or around January 2016, Victim-1, reported receiving harassing contacts on social media. Victim-1 reported to law enforcement that someone was posting pictures of her on several websites, including 4Chan.¹ Victim-1 then directed law enforcement to a posting and a corresponding comment thread that was made on 4Chan on or about January 13, 2016. In this thread, the first posting consisted of a picture of Victim-1, with the visible file name "[reference to Victim-1's full name].png." The posting also provided Victim-1's actual Instagram contact information.
- b. Following multiple comments in response to the post, the original anonymous poster posted five pictures purporting to be Victim-1: three of the pictures depicted an unidentified woman who is not Victim-1 with her face obscured or not shown, but with her breasts exposed; one of the pictures showed a woman with her face observable only from the nose down, with the woman appearing to perform oral sex on a penis; and one picture depicted the buttocks of a woman clothed in underwear. Each of these pictures were saved and posted using file names containing with Victim-1's name and/or initials.
- c. On or about January 13, 2016, law enforcement obtained a search warrant which was served on 4Chan for all stored electronic communications and subscriber information associated with the January 13, 2016 postings. The search warrant revealed that the posts corresponded to the IP address 69.125.169.174.
- d. On or about February 18, 2016, law enforcement obtained a search warrant which was served on Cablevision / CSC Holdings, LLC for subscriber information associated with the IP address 69.125.169.174. In response to the warrant, Cablevision identified the subscriber of 69.125.169.174 as Emelita Diamante, who law enforcement identified as DIAMANTE's mother, with whom he resides.
- e. Victim-1 told law enforcement that the last name Diamante corresponded to one of her Facebook friends, DIAMANTE. Though Victim-1 had never spoken with him, she recalled that

¹ 4Chan is a social media website where the majority of postings take place on imageboards, where users have the ability to share images and create threaded discussions. 4Chan does not have a registration system, allowing users to post anonymously.

she became Facebook friends with him after meeting DIAMANTE at church through a friend.

5. Law enforcement has identified similar conduct occurring at various times after in or around January 2016 through in or around February 2018, with respect to Victim-1.

Specific Activity with Respect to Victim-2

6. Based on my participation in this investigation, including reviewing documents and communications between law enforcement and Victim-2, I learned, among other things, the following:
 - a. On or about April 9, 2018, Victim-2 reported to the FBI that pictures from her social media account were posted on a website alongside pictures of naked women whose faces were unobservable. Victim-2 further reported that the post falsely suggested that the pictures of the naked women were actually pictures of Victim-2. Victim-2 was notified of this website by a person who contacted her via the social media platform Instagram. The person advised Victim-2 where the pictures could be found online. The initial post on the thread, made on or about April 6, 2018, consisted of five pictures, three of which were true pictures of Victim-2 and two that showed the naked buttocks of a woman similar in build and ethnicity as Victim-2, but with the face not visible. The next post in the thread, posted on or about April 9, 2018 consisted of four pictures, two of which were true pictures of Victim-2 taken from her social media accounts, and two pictures showing the vaginal area and buttocks of a woman while her face is obscured.
 - b. On or about April 11, 2018, Facebook Profile Name "[Victim-2]/Account Identification Number 100025286509018 (hereinafter referred to as the "Victim-2 Unauthorized Facebook Account") contacted Individual-1, a friend of Victim-2's, with a Facebook friend request. Individual-1 thought the request was suspicious because he was already friends with Victim-2 on Facebook. Individual-1 noticed that the profile had an actual, publicly-available, photograph of Victim-2. Individual-1 notified Victim-2 of this incident and provided the Account Identification Number associated with the Victim-2 Unauthorized Facebook Account to Victim-2, who in turn provided it to law enforcement.
 - c. On or about April 25, 2018, the results of a grand jury subpoena to Facebook revealed that the Victim-2 Unauthorized Facebook Account was created on or about April 9, 2018 with an associated

email address of “[Victim-2’s first initial and middle and last name]@protonmail.com.” The account was registered by an individual using the IP address: 68.196.81.127, which resolved to Optimum Online/Cablevision Systems.

- d. On or about May 17, 2018, the results of a grand jury subpoena to Optimum Online/Cablevision Systems revealed that IP address 68.196.81.127 was registered to DIAMANTE’s residence.
7. Law enforcement has also learned of similar conduct by DIAMANTE occurring at various times after in or around April 2018 through in or around August 2019, with respect to Victim-2.

Premises Search Warrant and Confession

8. On or about October 31, 2019, law enforcement executed a federal search warrant at DIAMANTE’s residence. Law enforcement seized DIAMANTE’s iPhone 8 and MacBook Air Computer.

9. Upon a review of the items contained on the MacBook Air Computer, law enforcement was able to recover explicit images that DIAMANTE had in his possession that were previously posted on 4Chan and Vola File, purporting to be true photos of Victims.

10. Later, after the warrant was executed, DIAMANTE knowingly and intelligently waived his Miranda rights and was interviewed by law enforcement.

11. During the interview, DIAMANTE admitted to the following: (i) utilizing multiple online web forums, namely, 4Chan and Vola File, to post and/or repost nude photographs of the Victims, purporting to be true nude photographs of the Victims, including Victim-1 and Victim-2; (ii) creating fake Facebook accounts in the names of individuals known to the Victims, including creating a fake Facebook account in the name of Victim-2; (iii) sending messages to some of the Victims whose pictures he posted on the online web forums, including Victim-1 and Victim-2; and (iv) sending messages to friends and/or family members of the Victims in order to direct the recipient to the purported nude photographs of the Victims, including Victim-2.